

(2) If the vessel is carrying steerage passengers, the reference to steerage passengers shall be deleted from the certification, and the master shall comply with the requirements of § 4.50.

(3) If there are no steerage passengers aboard upon arrival, the listing of the passengers may be in the form of a vessel “souvenir passenger list,” or similar list, in which the names of the passengers are listed alphabetically and to which the certificate referred to in paragraph (e)(1) of this section is attached.

(4) All baggage on board a vessel not accompanying a passenger and the marks or addresses thereof shall be listed on the last sheet of the passenger list under the caption “Unaccompanied baggage.”

[T.D. 71–169, 36 FR 12602, July 2, 1971, as amended by T.D. 73–27, 38 FR 2448, Jan. 26, 1973; T.D. 77–255, 42 FR 56320, Oct. 25, 1977; T.D. 79–31, 44 FR 5649, Jan. 29, 1979; T.D. 85–123, 50 FR 29952, July 23, 1985; T.D. 89–58, 54 FR 20381, May 11, 1989; T.D. 93–66, 58 FR 44130, Aug. 19, 1993; T.D. 95–77, 60 FR 50010, Sept. 27, 1995; T.D. 98–74, 63 FR 51287, Sept. 25, 1998]

§ 4.8 Preliminary entry.

Preliminary entry allows a U.S. or foreign vessel arriving under circumstances which require it to formally enter, to discharge cargo, passengers, or baggage prior to making formal entry. The granting of preliminary entry may be accomplished electronically pursuant to an authorized electronic data interchange system, or by other means of communication approved by the Customs Service. Preliminary entry must be made in compliance with § 4.30 of this part. The granting of preliminary vessel entry by the Customs Service may be conditioned upon the presentation of a completed Customs Form 1300 (Master's Certificate on Preliminary Entry) to Customs during discretionary vessel boarding, or upon the filing with Customs of a Customs Form 1300 or its equivalent by electronic or other means in instances where vessels are not boarded.

[T.D. 96–11, 61 FR 2414, Jan. 26, 1996]

§ 4.9 Formal entry.

(a) Section 4.3 provides which vessels are subject to formal entry and which

are exempt from formal entry requirements. The formal entry of an American vessel from a foreign port or place (see § 4.3(b) of this part) shall be in accordance with section 434, Tariff Act of 1930 (19 U.S.C. 1434). The term “American vessel” means a vessel of the United States (see § 4.0(b)), as well as, when arriving by sea, a vessel entitled to be documented except for its size (see § 4.0(c) of this part). The formal entry of a foreign vessel arriving within the limits of any Customs port shall be in accordance with section 434, Tariff Act of 1930 (19 U.S.C. 1434). The required oath on entry shall be executed on Customs Form 1300.

(b) Upon the entry of an American vessel, the master shall present to the port director, in addition to the Crew Lists required under § 4.7(a), the certified copy of the Crew List on Customs and Immigration Form I-418 obtained, in accordance with the provisions of § 4.68(a), upon the last previous clearance outward from the United States. The master shall deposit the vessel's document with the port director before or at the time of entry. The document may be returned upon request to the master of a vessel of less than 100 gross tons engaged in taking out fishing parties.

(c) The master of any foreign vessel shall exhibit the vessel's document to the port director on or before the entry of the vessel. After the net tonnage has been noted, the master may deliver it to the consul of the nation to which such vessel belongs, in which event he shall file with the port director the certificate required by section 434, Tariff Act of 1930 (19 U.S.C. 1434). If not delivered to the consul, the document shall be deposited in the customhouse. Whether delivered to the foreign consul or deposited at the customhouse, the document shall not be delivered to the master of the foreign vessel until clearance is granted under § 4.61. It shall not be lawful for any foreign consul to deliver to the master of any foreign vessel the register, or document in lieu thereof, deposited with him in accordance with the provisions of section 434 of this Act until such master shall produce to him a clearance in due form from the director of the port where

such vessel has been entered. Any consul offending against the provisions of this section shall be liable to a fine of not more than \$5,000. (Tariff Act of 1930, section 438, as amended; 19 U.S.C. 1434).

(d) The master of every vessel required to make entry shall present on entry the pratique required by the pertinent regulations of the United States Public Health Service and shall pay all required fees and penalties incurred.

(e) The master, licensed deck officer, or purser may appear in person at the customhouse to enter the vessel; or the required oaths, related documents, and other papers properly executed by the master or other proper officer may be delivered at the customhouse by the vessel agent or other personal representatives of the master.

(f) Any master who fails to make entry as required by this section or who presents any document required by this section which is forged, altered, or false, may be liable for certain civil penalties, as provided under 19 U.S.C. 1436, in addition to other penalties applicable under other provisions of law. Further, any vessel used in connection with any such violation is subject to seizure and forfeiture.

[T.D. 71-169, 36 FR 12603, July 2, 1971, as amended by T.D. 83-214, 48 FR 46511, Oct. 13, 1983; T.D. 83-214, 48 FR 56043, Dec. 19, 1983; T.D. 85-91, 50 FR 21428, May 24, 1985; T.D. 93-96, 58 FR 67316, Dec. 21, 1993; T.D. 94-24, 59 FR 13200, Mar. 21, 1994; T.D. 95-77, 60 FR 50010, Sept. 27, 1995]

§ 4.10 Request for overtime services.

Request for overtime services in connection with entry or clearance of a vessel, including the boarding of a vessel in accordance with § 4.1 shall be made on Customs Form 3171. (See § 24.16 of this chapter regarding pleasure vessels.) Such request for overtime services must specify the nature of the services desired and the exact times when they will be needed, unless a term special license (unlimited or limited to the service requested) has been issued (see § 4.30(g)) and arrangements are made locally so that the proper Customs officer will be notified during official hours in advance of the rendering of the services as to the nature of the services desired and the exact

times they will be needed. Such request shall not be approved (previously issued term special licenses shall be revoked) unless the carrier complies with the provisions of paragraphs (l) and (m) of § 4.30 regarding terminal facilities and employee lists, respectively, and the required cash deposit or bond, on Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter, has been received. Separate bonds shall be required if overtime services are requested by different principals.

[T.D. 72-189, 37 FR 13975, July 15, 1972, as amended by T.D. 84-213, 49 FR 41163, Oct. 19, 1984; T.D. 92-74, 57 FR 35751, Aug. 11, 1992]

§ 4.11 Sealing of stores.

Upon the arrival of a vessel from a foreign port, or a vessel engaged in the foreign trade from a domestic port, sea stores and ship's stores not required for immediate use or consumption on board while the vessel is in port and articles acquired abroad by officers and members of the crew, for which no permit to land has been issued, shall be placed under seal, unless the Customs officer is of the opinion that the circumstances do not require such action. Customs inspectors in charge of the vessel, from time to time, as in their judgment the necessity of the case requires, may issue stores from under seal for consumption on board the vessel by its passengers and crew. (See § 4.39.)

§ 4.12 Explanation of manifest discrepancy.

(a)(1) Vessel masters or agents shall notify the port director on Customs Form 5931 of shortages (merchandise manifested, but not found) or overages (merchandise found, but not manifested) of merchandise.

(2) Shortages shall be reported to the port direct by the master or agent of the vessel by endorsement on the importer's claim for shortage on Customs Form 5931 as provided for in § 158.3 of this chapter, or within 60 days after the date of entry of the vessel, whichever is later. Satisfactory evidence to support the claim of nonimportation or of proper disposition or other corrective action (see § 4.34) shall be obtained by the